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## HOUSE CONCURRENT RESOLUTION

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AUTHORIZING THE ISSUANCE OF A TERM, NON-EXCLUSIVE EASEMENT  
COVERING A PORTION OF STATE SUBMERGED LANDS AT LAHAINA,  
MAUI FOR SEAWALL ENCROACHMENT PURPOSES.

1 WHEREAS, the Board of Land and Natural Resources approved  
2 the request of Paul D. Gossman, as trustee of the Paul D.  
3 Gossman Residence Trust Dated December 18, 2008, for a term,  
4 non-exclusive easement over a portion of state-owned land  
5 located in Lahaina, Maui, on August 9, 2013, under agenda item  
6 D-10; and  
7

8 WHEREAS, the seaward boundary of the Paul D. Gossman  
9 Residence Trust property fronts the ocean and a seawall  
10 straddles the seaward boundary of the Paul D. Gossman Residence  
11 Trust property and submerged public land, which is state owned  
12 and identified by tax key map number (2)4-5-003, seaward of  
13 parcel 026. A portion of the seawall encroaches into the state-  
14 owned submerged land; and  
15

16 WHEREAS, the area of the seawall comprising approximately  
17 two hundred sixty square feet has encroached on state-owned  
18 submerged land prior to 1974; and  
19

20 WHEREAS, the character of the use of the easement is the  
21 right, privilege, and authority to use, maintain, repair,  
22 replace, and remove the existing seawall over, under, and across  
23 state-owned land; and  
24

25 WHEREAS, the easement term is for fifty-five years in  
26 consideration for a one-time payment to be determined by  
27 independent appraisal establishing a fair market rent, subject  
28 to review and approval by the Chairperson of the Board of Land  
29 and Natural Resources; and  
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31 WHEREAS, pursuant to section 171-53(c), Hawaii Revised  
32 Statutes, the Board of Land and Natural Resources, with the

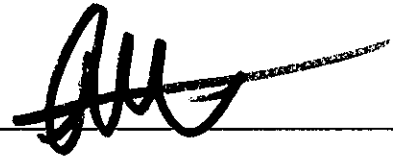


## H.C.R. NO. 73

1 approval of the Governor and the prior authorization of the  
2 Legislature by concurrent resolution, may lease state submerged  
3 lands and lands beneath tidal waves; now, therefore,  
4

5 BE IT RESOLVED by the House of Representatives of the  
6 Twenty-eighth Legislature of the State of Hawaii, Regular  
7 Session of 2015, the Senate concurring, that the fifty-five year  
8 term for a non-exclusive easement to Paul D. Gossman as trustee  
9 of the Paul D. Gossman Residence Trust Dated December 18, 2008,  
10 for seawall encroachment purposes, is hereby authorized by the  
11 Legislature according to the terms and conditions approved by  
12 the Board of Land and Natural Resources on August 9, 2013; and  
13

14 BE IT FURTHER RESOLVED that certified copies of this  
15 Concurrent Resolution be transmitted to the Governor and  
16 Chairperson of the Board of Land and Natural Resources.  
17  
18  
19

OFFERED BY:  \_\_\_\_\_

MAR 06 2015

